

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KENTES WEST, #K82893,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 23-cv-00224-SMY
)	
S. EBERS, ROBERT W. RHOADES,)	
ZACKARY CONNER, RYAN RAMSEY,)	
KEVIN TILLEY, SMITH, LAMBERT,)	
J. HUFFMAN, HANKS, MORGAN,)	
and WARDEN OF MENARD)	
CORRECTIONAL CENTER,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court for case management. Plaintiff Kentes West filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 25, 2023. The First Amended Complaint survived screening pursuant to 28 U.S.C. § 1915A, and Plaintiff was allowed to proceed with claims against C/O Smith, among others. (Docs. 19, 25). A waiver of service for this defendant was returned unexecuted on January 10, 2024, with a notation that the defendant could not be identified or served without a first name and/or other identifying information. (Doc. 37). Plaintiff was ordered to provide additional identifying information and warned that failure to do so would result in the dismissal of this defendant. *Id.*

Plaintiff provided additional information, but has since failed to respond to the Court's Order requiring him to name C/O Smith with particularity, based on a list of names supplied by Menard Correctional Center's warden. The final response deadline was May 7, 2024. (Doc. 48),

and Plaintiff was warned that his failure to comply with the Court's Order would result in dismissal of C/O Smith from this action. *Id.*

Because Plaintiff did not respond nor request an extension of time to do so, Defendant C/O Smith is **DISMISSED without prejudice** from this action based on Plaintiff's failure to comply with the Court's Order to identify this individual by first and last name (*see, e.g.*, Order at Doc. 48). *See* FED. R. CIV. P. 41(b). The Clerk of Court is **DIRECTED** to **TERMINATE** C/O Smith as a party in CM/ECF and enter judgment against C/O Smith at the **CLOSE** of this case.

The Court will separately enter a Scheduling and Discovery Order as to all remaining claims and defendants.

IT IS SO ORDERED.

DATED: May 28, 2024

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge